

REMARKS

On page 2 of the Office Action of May 28, 2003, claims 1 and 3-6 were rejected under 35 U.S.C. 112, second paragraph, and claims 1 and 3-6 were rejected under 35 U.S.C. 102(b) as anticipated by, or under 35 U.S.C. 103(a) as obvious over Cagas et al.

In this respect, an interview was made on August 25, 2003 to explain the subject of the invention and to solve the above rejections. As a result of the interview, it was suggested that claims 1 and 3 be combined; claims 4-6 should be cancelled; and the deposit numbers of Budapest Status be used in the specification and claims.

In view of the suggestion, claim 1 has been amended to contain the subject matter of claim 3, and claims 3 and 4-6 have been cancelled. Also, the specification has been amended to include the deposit numbers of Budapest Status. The certificates of depositions and translations thereof are attached herewith.

The Examiner's opinion and advice at the interview are appreciated.

It is believed that the application is now in condition for allowance. Reconsideration and allowance are earnestly solicited.

A one month extension of time is hereby requested. A check in the amount of \$110.00 is attached herewith for the one month extension of time.

Respectfully submitted,

KANESAKA AND TAKEUCHI

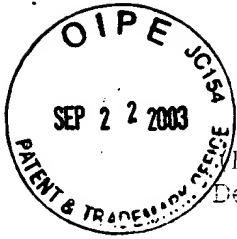
by 

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SEP 29 2003

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TRANSLATION OF CERTIFIED RECEIPT OF ORIGINAL DEPOSIT

Butapest Treaty of the International Recognition of the
Deposit of Microorganisms for the Purposes of Patent Procedure)

Receipt in the case of an original deposit is issued pursuant
to Rule 7.1 by the International Deposit Authority identified
at the bottom of this page.

Certified Receipt of the Original Deposit

Name (Title):

Mayekawa Manufacturing Co., Ltd.

Technical Research Laboratory

Head of Laboratory: Kuniaki Kawamura

Address:

2000 Tachizawa Moriya-shi

Ibaraki-ken

1. Indication of Microorganism

(Description Made by Depositor for Identification)

Neotyphodium sp. Po-062

Deposit No. FERM BP-08481

2. Scientific Characteristic and Position of Classification

Writings including the following items were attached
to a column of microorganisms

Scientific Characteristic

✓ Position of Classification

3. Receipt and Deposition

The International Deposit Authorities deposited the column
of microorganisms received on December 7, 1999
(original deposited date).

4. Receipt of Transfer Request

The International Deposit Authorities deposited the
column of the microorganisms received on December 7, 1999
(original deposited date).

Then, received a Transfer Request to a deposit based on the Budapest Treaty due to the original deposit on September 11, 2003.

(Transferred from FERM P-17673 deposited on December 7, 1999)

5. International Deposit Authorities

Name: International Patent Organism Depositary
National Institute of Advanced Industrial Science
and Technology

Director of the International Patent Organism
Depositary

Shuichi Oka, (Sealed)

Address: AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-
shi, Ibaraki ken 305 8565, Japan

September 11, 2003

「特許手続上の微生物の寄託の国際的承認
に関するブタペスト条約」

下記国際寄託当局によって規則7.1に従い
発行される。

BUDAPEST TREATY OF THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the INTERNATIONAL
DEPOSIT AUTHORITY identified at the bottom of this page.

原寄託についての受託証

氏名(名称)

(株)前川製作所 技術研究所

所長 川村 邦明 殿

あて名 〒

茨城県守谷市立沢2000

1. 微生物の表示	
(寄託者が付した識別のための表示) Neotyphodium sp. Po-062	(受託番号) FERM BP- 08481
2. 科学的性質及び分類学上の位置	
1欄の微生物には、次の事項を記載した文書が添付されていた。 <input type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置	
3. 受領及び受託	
本国際寄託当局は、平成 11 年 12 月 7 日(原寄託日)に受領した1欄の微生物を受託する。	
4. 移管請求の受領	
本国際寄託当局は、平成 11 年 12 月 7 日(原寄託日)に受領した1欄の微生物を受託した。 そして、平成 15 年 9 月 11 日に原寄託によりブタペスト条約に基づく寄託への移管請求を受領した。 (平成 11 年 12 月 7 日に寄託されたFERM P- 17673 号より移管)	
5. 国際寄託当局	
名称 独立行政法人産業技術総合研究所 特許生物寄託センター International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology センター長 岡 修 Dr.Syuichi Oka, Director あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566) AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan	

平成 15 年 (03) 9 月 11 日